

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 11, 2018**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo (Chair), Sue Barber, Artie Crocker, Stephen Farr, Alison Richardson, Debbie Anderson (Conservation Specialist), Elisa Litchman (Administrative Assistant).

GUESTS: David Cox, Paul DeFilippo, Hank Haff, Kelly Killeen, Heather Mellem, Steve Popper, Michael Richard, Michael Rotman.

J. Carter Bernardo opened the public meeting at 7:35 p.m.

MINUTES:

Motion to approve the minutes as amended from the August 23, 2018 meeting by A. Crocker, seconded by S. Barber, 3-0-2 (A. Richardson, S. Farr abstained).

ENFORCEMENT AND VIOLATION UPDATES:

D. Anderson mentioned to the Commission that she got a call yesterday from the owner of 30 Wayne Road that the neighbor, whose house is located on top of the steep hill at the rear of their property, was emptying pool water downhill into the wetland that the owners of 30 Wayne Road had just restored. The owners of 30 Wayne Road had previously filled a drainage ditch behind their property and were required to restore the area through an Enforcement Order issued by the Commission. The owners of 30 Wayne Road stated that the pool water appeared to be piped from above at 75 Pine Grove. The owner of 30 Wayne Road had called the police about the water and the police saw it but couldn't do anything about it as it is a civil matter. The owners spent a lot of money restoring the area and are concerned about the chlorine and pool chemicals killing the plantings. They think that the pool owners are dumping the water a little at a time each day. J. Bernardo asked if it is an in-ground pool and D. Anderson said it was though she couldn't gain access to it. D. Anderson attempted to talk to the owners of 75 Pine Grove and could only leave her business card and a note to call. A. Richardson stated that the plants would be killed pretty immediately but there has been a lot of rain recently which would help dilute the chemicals. J. Bernardo said that D. Anderson should send a letter to the owners at 75 Pine Grove stating that if they happen to be draining their pool into the wetlands it will kill the wetland plants and if the plants die they will be fined. D. Anderson stated that the current condition of plants are healthy (set buds, leaves are green, and they have flexible stems).

HEARINGS:

1407 CENTRAL AVENUE – *continued* NOTICE OF INTENT (DEP File #234-818)

J. Carter Bernardo opened the public hearing at 7:50pm. Michael Richard from Weston & Sampson presented the project. The project is to construct an off-site storage building for DPW vehicles and equipment. There will be no cleaning of vehicles and equipment at this site, solely seasonal storage. The plans show a large grey area which will be impacted by the project, which currently is wooded with ledge outcrops. The project would entail construction of 12,500 square feet of enclosed storage bays, 5,300 square feet of canopy area and the 16,000

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square foot yard area is for turning vehicles and parking spaces. New information was submitted at the meeting and the Commissioners need time to review it. A revised stormwater system has been submitted because the Town Engineer wanted them to create a bio retention? area instead of the proposed underground infiltration system. In addition a tree survey was submitted.

The existing conditions include Type D soil, shallow bedrock. The proposal is to build on an embankment. He stated that a balance of cuts and fills were done. A proposed stormwater detention basin would flow to the bioretention system west of the access drive. The roof runoff would be directed to the basin. The decision for the location of the storage bays took into consideration working outside the 50' buffer zone, and making sure they would be as far from Central Avenue and abutters as possible.

There would be 38 trees removed as part of the project. The planting plan indicates that the Applicant is proposing to install 76 replacement trees from the approved list in order to follow the Commission's Tree Removal Guidelines. Last summer test borings were done. The proposed slope is no more than 3:1. A. Richardson stated that the wetlands surrounding the existing RTS are a wetland and wildlife resource that is already so disturbed with the transfer station located there that she has concerns that so many trees are proposed to be removed. J. Bernardo agreed and also expressed concern about the velocity of runoff causing erosion. She asked that M. Richard provide the calculation of velocity to her. She suggested that the Applicant try to put the bioretention basin in a flatter area. J. Bernardo said she would need to look at the calculations.

Alison Richardson asked about seed mix that is proposed; she said that wetland mix can die if the area isn't wet all the time but the seed named, "Moist Mix" has enough variety of upland and wetland species contained in it that it would do well in this area even if it dries out sometimes. S. Farr said the upland area will suffer. The Commission began a discussion of suggested trees and where they should be installed. Cedars shouldn't be planted at the bottom of the hill. They are better where conditions are a bit drier and sunnier. A. Richardson suggested that *Acer rubrum*, which is a swamp maple, be installed down gradient closer to the wetland. They will do better. There is no habitat analysis required for this project since they are keeping outside of the 50' buffer zone. J. Bernardo asked if the Commission could see the preliminary sketches of the project so that they can understand how the current location was determined a best site. J. Carter Bernardo wants them to show the Commission why certain preliminary plans that may have been further from the wetland wouldn't work. A. Richardson asked why permeable asphalt wouldn't be used and J. Carter Bernardo said that here there will be heavy trucks, moving and turning which would ruin the surface.

Motion to continue the public hearing for 1407 Central Avenue (DEP File #234-818) to October 25, 2018 at 8:45pm by A. Crocker, seconded by S. Farr, approved 5-0-0.

1357 GREAT PLAIN AVENUE – NOTICE OF INTENT (DEP File #234-819)

J. Carter Bernardo opened the public hearing at 8:24pm. Kelly Killeen from CHA Consulting represented the owner, Mr. DeFilippo. The proposal is to build a 24' x 28' two-car garage approximately 25 feet from Rosemary Brook in the rear of the house which is also the rear property line. He explained that the brook at the back of the property has a stone wall on either side of it (more like a drainage way). There are no bordering vegetated wetlands. The Applicant suggested establishing a retaining wall to show the various grades of land and the proposed driveway would use pervious pavers. MassDEP commented on the proposed project and suggested the Commission require mitigation plantings to enhance the Riverfront Area. The Applicant is now proposing to install 6 red-twig dogwoods and 12 viburnum along the brook to create shade and buffer to protect the resource area. The Applicant is asking for a waiver for work in the 25-foot Buffer Zone due to the minor grading they are doing. They expect to remove an existing shed located in the 25-foot Buffer Zone. Although

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not identified on the plan, the Applicant plans to remove 4 trees for the project. J. Carter Bernardo stated that their tree policy includes a 2:1 tree replacement. The Applicant proposed shrubs but J. Carter Bernardo suggested trees. The proposed conditions plan shows a stairway leading from proposed driveway to yard below. J. Carter Bernardo asked about the landing at the top of the stairway. K. Killeen said that from a safety point of view they always have a landing before a set of stairs and that the proposed stairway is due to the grading from the driveway to the yard. S. Barber asked what kind of activity is going on in the 25-foot Buffer Zone. K. Killeen said it's a mowed lawn. J. Carter Bernardo asked for information about ground water. The Applicant has not conducted any test pits. A. Crocker had difficulty recommending that this project get a permit due to the fact that putting the foundation exactly at the 25-foot Buffer Zone means that they will be digging closer to the resource area by a couple of feet. He wants the Commission to keep consistent when issuing permits. S. Barber agreed. The zoning restrictions prevent the Applicant from re-locating the proposed garage. The proposed stormwater management works for J. Carter Bernardo. The Applicant should swap out bushes for trees or propose a mix of trees and shrubs. The detail of the stairs would be open slats. J. Carter Bernardo doesn't understand why one would have steps going down to the yard.

J. Carter Bernardo stated that the Commission is getting stricter about knowing where ground water is located prior to the start of work. She asked that they consider giving the Commission more than 25-feet to the proposed garage so that they protect the resource area. The Applicant wants to maintain the wood deck on the back of the house which precludes other options. The Commission noted that the area to drive a car around the deck to get into the garage is a tight squeeze. A. Richardson questioned the ability to drive cars around the deck and enter the right side of the proposed garage as there is hardly enough room.

J. Carter Bernardo stated that any new information needs to be submitted one week prior to the next meeting. She would like to get as much of the impervious area outside the 25' Buffer Zone. Additional information (plants) and a solid argument to the waiver request must be submitted by next Thursday at 10am. J. Bernardo explained the waiver process and suggested that if you are improving the 25-foot Buffer Zone a waiver will more likely be granted. In this case you are adding more impervious material in the 25-foot and the Commission is not as inclined to grant it.

Motion to continue the public hearing for 1357 Great Plain Avenue (DEP File #234-819) to October 25, 2018 at 9:00pm by A. Crocker, seconded by S. Farr, approved 5-0-0.

187 BROOKLINE STREET – *continued* NOTICE OF INTENT (DEP File #234-816)

J. Carter Bernardo opened the public hearing at 8:46pm. She and Sue Barber were not at the previous meeting so that they will need to review the minutes of that meeting in order to vote on this Hearing. Chris Garcia from Garcia, Galuska and DeSousa, Michele Rogers from Dore & Whittier, and Hank Haff from the Town of Needham presented. The Town is proposing installation of an additional modular building at the Mitchell School consisting of 3,200 square feet off the south east corner of the school. The Applicant proposes the removal of 10 trees in the Buffer Zone, and one additional tree outside the 100-foot Buffer Zone. Eight new trees and 56 shrubs are proposed with a portion of the proposed mitigation area within the 50-foot Buffer Zone. H. Haff provided the Commission an email from Ed Olsen, Superintendent of Forestry in which he states that the majority of trees that the project proposed for removal are in decline and the roots are relatively shallow. Re-grading will be necessary due to how the modular building is constructed. The location for the building is proposed in a clearing, not a wooded area but contains some shrubs and invasive plants. The modular consists of 5 units which can be moved in pieces. The revised planting plan shows plantings on the slope. A. Richardson supported the planting plan. J. Bernardo and S. Barber will need to read the last minutes of this Hearing before they can vote on this project.

Motion to close the public hearing for 187 Brookline Street (DEP File #234-816) by A. Crocker, seconded by A. Richardson, approved 4-0-1(S. Farr).

MASSDOT – HIGHLAND AVENUE – NOTICE OF INTENT (DEP File #234-817)

J. Carter Bernardo and S. Farr recused themselves. J. Carter Bernardo stated that there was not a quorum that could vote on the issuance of the Order of Conditions; therefore, the Hearing must be continued.

Motion to continue the public hearing for MASSDOT – Highland Avenue (DEP File #234-817) to October 25, 2018 at 8:00pm by A. Crocker, seconded by A. Richardson, approved 3-0-2(S. Farr & J. Carter Bernardo abstained).

OTHER BUSINESS:

1265 SOUTH STREET (DEP File #234-474) - REQUEST FOR CERTIFICATE OF COMPLIANCE

David Cox, attorney represented the current owner, Michael Rotman. He stated that Chuck Hasenfus was the builder who was issued the original OOC. He became ill. The bank took ownership of the property and now the new owner, who received a reminder postcard from our office, wants to close out the permit. All the paperwork submitted is from 2010 including the As-Built plan which shows the permanent markers. The only deviation is some lawn in the 25-foot Buffer Zone near wetland flags A8 and A15. A letter from EcoTec, Inc. describes the limit of lawn and states the area as stable. The owner asked questions about disturbance and D. Anderson stated that everything is stable and there's a healthy wetland system adjacent to the rock wall. J. Carter Bernardo explained to the owner what is expected of him such as not to use fertilizer that can potentially wash into the wetlands, let it be natural, don't dump leaves or other yard waste there and then he will be abiding by Conservation Commission regulations. If the owner would like to cut any trees he will need approval by the Conservation Commission.

Motion to issue the Certificate of Compliance for 1265 South Street (DEP File #234-474) by S. Farr, seconded by A. Richardson, approved 4-1(A. Crocker)-0.

50 ROBINWOOD AVENUE (DEP File #234-713) - REQUEST FOR CERTIFICATE OF COMPLIANCE

The owner, Heather Mellem, explained that J. Rockwood from EcoTec had submitted monitoring reports of the plantings and that 75% of plants survive, a red oak tree was planted as required and a swale was planted with grass as required. D. Anderson conducted a site visit and stated that all is in order.

Motion to issue the Certificate of Compliance for 50 Robinwood Avenue (DEP File #234-713) by A. Crocker, seconded by S. Farr, approved 5-0-0.

BROCHURES & NEEDHAM EXPO

D. Anderson distributed the brochure created for the Walker Pond residents to the Commission. A. Crocker suggested the title could be revised to "Keeping Needham's Water Safe". A. Richardson suggested heavier weight paper like 28-pound and the font is a bit heavy. A. Crocker's main concern is to have something for the general public at the Go Green Needham Expo. He would like something more generic regarding stormwater and to have 100 copies available. A. Crocker wants the word document sent to him so he can edit it. J. Carter Bernardo suggested some rain garden brochures. "Protect Needham's Water" is a good title as it affects all residents and grabs their attention. J. Carter Bernardo has a poster that could be used as well. D. Anderson suggested that the Commissioners bring what they have to the next meeting and our office can make copies for

them. The event is Saturday, November 10 from 10am-4pm at Town Hall. A. Crocker cannot man the table but hopes that someone from the Commission can be there.

54 PERRY ROAD RECENT ISSUES

The owner, R. Rosenlev recently contacted D. Anderson as he wants to take down some trees. His arborist, Dick Stoner provided a report that stated sometime in the future the trees might fail and fall down. Two of the four (4) trees were found to be located on Town property. D. Anderson reached out to Ed Olsen, Superintendent of Parks & Forestry, to conduct a site visit to look at the trees and assess their health. E. Olsen asked that the Commission work to require permit holders to install tree protection during construction. If a project is too close to Town trees they are likely to be harmed. A. Richardson commented on the information that E. Olsen gave D. Anderson. The tree protection fence needs to be at the drip line for it to be effective. The orange fencing though noticeable, can be pulled down easily. Protective boards attached to the tree trunks can be expensive and are utilized when big equipment will be used near the trees; most people will not opt for this. D. Anderson recommends that the language and specifics about tree protection be included in the Conservation Commission permits. D. Anderson showed J. Carter Bernardo a plan from R. Rosenlev with the trees identified that R. Rosenlev wants to take down. They are all within the 25-foot Buffer Zone. J. Bernardo stated that the Commission cannot give him permission to remove the trees on Town property. E. Olsen had explained to Mr. Rosenlev that if he got permission from the Conservation Commission to remove the trees, he would have to do so at his own expense. Although E. Olsen stated that he sympathizes with the owner of the house, the tree assessment is a perceived future potential hazard. J. Carter Bernardo reviewed the plan and concluded that R. Rosenlev would have to ask the Board of Selectmen if he can remove the trees if they are on Town property. Tree #1 and #2 which are Ash trees are located on Town property and appear from photos to have some structural defects. Tree #4 is identified as a spindle berry tree, which is invasive. The Commission will allow that tree to be removed. Tree #3 is close to wetland and J. Carter Bernardo says that he cannot take it down. D. Anderson asked if he has to replace the trees he takes down and the Commission said he did.

CONSERVATION COMMISSION MEETING SCHEDULE

The Commission discussed the 2019 Conservation Commission Meeting Calendar. A meeting is scheduled for February 14, 2019 which is Valentine's Day. The Commission decided to revise the schedule and meet on February 7, 2019 instead of Valentine's Day as proposed.

Motion to approve the meeting schedule as amended by A. Crocker, seconded by S. Barber, approved 5-0-0.

ADJOURN:

Motion to adjourn by S. Farr, seconded by A. Crocker, approved 5-0-0. The meeting was adjourned at 9:38pm.

NEXT PUBLIC MEETING:

October 25, 2018 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.